FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Cri.Application No.629 of 2006
(Pradeep Nalawde Vs. Sandhya Uday Sawant and Anr)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr A.Z.Mookhtiar, for the applicant.
Mr A.S.Shitole, APP for the State.

CORAM: D.B.BHOSALE,J.
DATED: 13.06.2006

P.C.:

Heard the learned counsel for the applicant and the learned APP for the respondent-State.

This application is directed against the order of issue of process dated 24.8.2004 passed against the applicant-accused under section 138 of the Negotiable Instruments Act. The applicant has approached this Court directly without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V.K.Jain and others Vs Pratap V Padode and Anr, 2005 (3) Mh.L.J.778,** while dealing with similar petition

considered several judgments of the Apex Court and has held that the order of issue of process is not an interlocutory order and hence the revision against such order is maintainable. In the circumstances, this application is disposed of with liberty to the applicant to file revision before the appropriate Sessions Court against the order impugned in the instant petition.

(D.B.BHOSALE,J.)